

ROBERT FOX, ESQ.
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CELESTINO PACHECO LOPEZ,

Plaintiff,

Case No. 14-CV-4443 (PKC)

MOHAMMED MOHAMMED, KIRSTEN
GOLDBERG, EL-RAWSHEH CAFÉ &
RESTAURANT, INC., EL-RAWSHEH
CAFÉ, INC., EL RAWSHEH CUISINE, INC., d/b/a
EL-RAWSHEH,

Defendants

AFFIDAVIT OF
MOHAMMED MOHAMMED
IN SUPPORT OF
MOTION TO VACATE
DEFAULT JUDGMENT

STATE OF NEW YORK)
)ss:
COUNTY OF QUEENS)

I, Mohammed Mohammed, duly swear under penalty of perjury:

1. I am the President of the Defendant El Rawsheh Cuisine, Inc. herein. I make this
Affidavit in support of vacating the default judgment entered against the Defendants on

November 26, 2014.

2. I make this motion to vacate the judgment based upon voidness of judgment due to lack of jurisdiction, excusable default and a meritorious defense, and fraud.

3. I am the vice-president of the Defendant El-Rawsheh, Cuisine, Inc. ("El Rawsheh"). I manage the Defendant El-Rawsheh, a restaurant and hookah bar, along with George Fanous, who is president. El-Rawsheh Café & Restaurant, Inc. and El Rawsheh- Café are incorrectly named. I do not know anyone by the name of Kirsten Goldberg.

4. I was never served with the summons and complaint in this matter, either individually or on behalf of the corporations. Had I received the summons and complaint, I would have responded. If Ihab Ilbana (an employee of El Rawsheh) had received the complaint, as alleged in the Affidavit of Service in this case (see Exhibit C) he would have given it to either me or Mr. Fanous. (See Affidavit of Ihab Ilbana).

5. I never spoke with the plaintiff's attorney on August 15, 2014 or at any time, as reflected by the attorney's invoice which was marked as Court exhibit 2. Mr. Fanous mentioned that he had spoken with an individual who called in order to obtain information about the plaintiff's work dates.

6. The Defendants were never served with this Complaint and have meritorious defenses as demonstrated above. Moreover, the complaint contains blatant falsehoods (See Fanous Affidavit).

WHEREFORE, it is respectfully requested that the judgment entered in this case be vacated and the Court grant such other further relief as it deems appropriate.


MOHAMMED MOHAMMED

Sworn to before me this
18th day of February, 2015
Ashraf A. Hanno
Notary Public

ASHRAF A. HANNO
Notary Public, State of New York
No. 01HA6313974
Qualified in Queens County, Filed NYC County
Commission Expires Nov. 3, 2018